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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/722,338	11/25/2003	Mik Suekawa	200208871-1	6539

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HEWLETT PACKARD COMPANY  
P O BOX 272400, 3404 E. HARMONY ROAD  
INTELLECTUAL PROPERTY ADMINISTRATION  
FORT COLLINS, CO 80527-2400

EXAMINER

LEVI, DAMEON E

ART UNIT	PAPER NUMBER
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2841

DATE MAILED: 05/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/722,338

Applicant(s)

SUEKAWA ET AL.

Examiner

Dameon E. Levi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 25 November 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7, and 10-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Pongracz et al US Patent 6269007.

**Regarding claim 1**, Pongracz et al discloses an assembly comprising:

a pivot point(for example, see element 134, Figs 2-6) for coupling the lock assembly to the housing, and

a lock member(for example, see element 125,126, Figs 2-6) capable of rotating and snapping into a detent in the printed circuit assembly to hold the printed circuit assembly in place.

Moreover, regarding the intended use recitation [...for coupling the lock assembly to the housing], it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus (Pongracz et al) satisfying the claimed structural limitations.

Additionally, it has been held that the recitation that an element is "capable of " performing a function is not a positive limitation but only requires the ability to so perform.

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**Regarding claim 2**, Pongracz et al discloses wherein the lock member is constructed from sheet metal(for example, see Figs 2-6).

**Regarding claim 3**, Pongracz et al discloses wherein the lock member couples to the housing only at the pivot point and is flexible so that the lock assembly applies a pre-load to the printed circuit assembly (for example, see element 134,100, also see elements 112, 116 in cooperation with elements 118, Figs 2-6).

**Regarding claim 4**, Pongracz et al discloses wherein all components of the lock assembly affix to the housing so that no additional parts or hardware are used to secure the printed circuit assembly(for example, see element 100, Figs 2-6).

**Regarding claim 5**, Pongracz et al discloses further comprising a finger access detail (for example, see element 133, Figs 2-6) formed into the lock member.

**Regarding claim 6**, Pongracz et al discloses wherein the housing is a hard disk drive housing', and the printed circuit assembly is a hard disk drive printed circuit assembly(for example, see Figs 2-6, see column 5, lines 55-60).

**Regarding claim 7**, Pongracz et al discloses an apparatus comprising:

a housing(for example, see element 68, Figs 2-6) and

a lock assembly(for example, see element 100, Figs 2-6) capable of securing a printed circuit assembly to the housing, the lock assembly comprising:

a pivot point(for example, see element 134, Figs 2-6) for coupling the lock assembly to the housing; and

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A lock member (for example, see elements 134, 112, 118 Figs 2-6) capable of rotating and snapping into a detent (element 118) in the printed circuit assembly to hold the printed circuit assembly in place.

Moreover, regarding the intended use recitation [... for coupling the lock assembly to the housing], it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus (Pongracz et al) satisfying the claimed structural limitations.

Additionally, it has been held that the recitation that an element is "capable of " performing a function is not a positive limitation but only requires the ability to so perform.

**Regarding claim 10**, Pongracz et al discloses wherein the lock member is constructed from sheet metal (for example, see Figs 2-6).

**Regarding claim 11**, Pongracz et al discloses wherein the lock member couples to the housing only at the pivot point and is flexible so that the lock assembly applies a pre-load to the printed circuit assembly (for example, see element 134, 100, Figs 2-6).

**Regarding claim 12**, Pongracz et al discloses wherein all components of the lock assembly affix to the housing so that no additional parts or hardware are used to secure the printed circuit assembly (for example, see element 100, Figs 2-6).

**Regarding claim 13**, Pongracz et al discloses further comprising a finger access detail (for example, see element 133, Figs 2-6) formed into the lock member.

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**Regarding claim 14**, Pongracz et al discloses wherein the housing is a hard disk drive housing', and the printed circuit assembly is a hard disk drive printed circuit assembly(for example, see Figs 2-6, see column 5, lines 55-60).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 8, 9, and 15-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pongracz et al US Patent 6269007 in view of Russell et al US Patent 6574118.**

**Regarding claim 8**, Pongracz et al discloses the instant claimed invention except comprising keyways attached to the housing capable of accepting and seating the printed circuit assembly.

Russell et al discloses an assembly comprising keyways (for example, see protrusions around periphery of element 110, wherein indentations around periphery of element 150, correspond with in, Figs 3,4,6C) attached to the housing capable of accepting and seating the printed circuit assembly.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included keyways in the housing as taught by Russell et al in the apparatus as taught by Pongracz et al in order to facilitate correct board mounting orientation. Additionally, it has been held that the recitation that an element is "capable

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of “ performing a function is not a positive limitation but only requires the ability to so perform.

**Regarding claim 9**, Pongracz et al discloses the instant claimed invention except further comprising the printed circuit assembly contoured to fit in the keyways and capable of being secured by the lock assembly.

Russell et al discloses an assembly comprising a printed circuit assembly contoured to fit in the keyways (for example, see protrusions around periphery of element 110, wherein indentations around periphery of circuit board 150, correspond with in, Figs 3,4,6C) attached to the housing capable of accepting and seating the printed circuit assembly.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have contoured a printed circuit board to fit in keyways in the housing as taught by Russell et al in the apparatus as taught by Pongracz et al in order to facilitate correct board mounting orientation. Additionally, it has been held that the recitation that an element is “capable of “ performing a function is not a positive limitation but only requires the ability to so perform.

**Regarding claim 20**, Pongracz et al discloses an assembly comprising:

means for housing electronic and/or electromechanical components(for example, see element 68, Figs 2-6),

means for securing a printed circuit assembly to the housing means(for example, see element 100, Figs 2-6) ;

means for pivotally coupling the securing means to the housing means so that the

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securing means can be rotated between an extended position and a retracted position (for example, see element 134, Figs 2-6) ;

Pongracz does not expressly disclose:

means for keying the printed circuit assembly to the housing means.

Russell et al discloses an apparatus comprising means for keying a printed circuit assembly to a housing means (for example, see protrusions around periphery of element 110, wherein indentations around periphery of element 150, correspond with in, Figs 3,4,6C) attached to the housing capable of accepting and seating the printed circuit assembly.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included means for keying a printed circuit assembly to the housing means as taught by Russell et al in the apparatus as taught by Pongracz et al in order to facilitate correct board mounting orientation of the printed circuit board within the housing assembly.

**Regarding claims 15-19**, the methods discloses therein are deemed as being inherent in the assembly and operation of the claimed apparatus since the structural elements of the claimed invention are taught or suggested in the prior art of record.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dameon E. Levi whose telephone number is (571) 272-2105. The examiner can normally be reached on Mon.-Fri. (9:00 - 5:00).



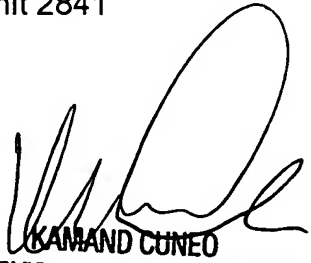
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kamand Cuneo can be reached on (571) 272-1957. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DEL

Dameon E Levi  
Examiner  
Art Unit 2841



KAMAND CUNEO  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800